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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,265	10/21/2003	Dominik J. Schmidt	IVT.0034US	4596
21906	7590	08/10/2007		
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER DOAN, KIET M	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			08/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/690,265

Applicant(s)

SCHMIDT, DOMINIK J.

Examiner

Kiet Doan

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

In response to applicant's argument in claim 1 that Tsai reference that no where in the paragraphs or anywhere else mention either "a local copy of an authorized data" or "indicating an access failure" if the comparison doesn't indicated a match.

Examiner respectfully disagrees, according to claims limitations, it doesn't positively identify firmly limitation such as word "if so" or "if" the office interpreted as either "Yes" or "No" as in claim recited "determining a SIM card insertion and if so accessing SIM data and transmitting the SIM data to a base station for comparison with a local copy of an authorized user data file;

granting mobile unit access to the base station If the comparison is indicative of a match and otherwise indicating an access failure (Paragraphs [0024-0026], [0030], [0036], teach the mobile station 100 contain different SIM card for identification and only the specific identification number of the SIM card can access mobile network such as SIM card number 0953405980 can access mobile network 0953, that is, SIM card is inserted in the mobile station and grant access to base station base on the SIM card directory number and since Tsai did not mention the comparison or match but Tsai does teach the mobile station can access normal service of the mobile network associated with the base station (Paragraph [0030] lines 13-15 or paragraph [0010]). That is, for skill in the art and well know that the mobile station can't grant/service access when the mobile station does not have correct ID number which match with service provider/base station).

In response to applicant's argument that Hamalainen reference fails to teaches or suggest "performing data transmission using both dynamic adjusted time slots and at least one short range wireless medium".

Examiner respectfully disagrees, there is no such claim language said "data transmission using both dynamic adjusted time slots and at least one short range wireless medium".

The rejection is base on claim language such recited "If the mobile unit access is grant, determining a desired level of service; and dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service via the dynamically adjust number of time slots and at least one short-range wireless medium" (Abstract, C2, L25-50, C3, L59-60, C4, L1-10, C5, L1-50 teach the desired level of service and dynamically adjusting a number of time slots, Hamalainen teaches all limitation as discuss bur not mention on short range, however in Tsai reference indicated the mobile phone system can be different type network such as 802.11 in paragraph [0036] which read on at least one short-range wireless medium).

Therefore, examiner interpreted in claim 1 limitations as broadest reasonable interpretation and it is proper.

In response to applicant's argument in claim 12 that reference fails to teach or suggest "multiple transceiver in mobile station" and lack of "multiple transceiver for two different wireless media".

Examiner respectfully disagrees, and again there is no such language indicated or recited in claim 12.

The rejection is base on claim language such recited "securing access to base station using a SIM card of a mobile station; If the access is secured, selecting one of first and second wireless media that overlap in frequency as a common wireless medium for the mobile station;

instructing transceivers for the first and second media to communicate through the mobile station only via common wireless medium" (Paragraphs [0024-0025], [0030] Fig.2 and Fig.4, Illustrate and described mobile station 100 access base station using Sim card and select network that server BTS and connected to fix telephone 140).

Therefore, examiner interpreted in claim 12 limitations as broadest reasonable interpretation and it is proper.

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In response to applicant's argument in claim 1 that Tsai reference that no where in the paragraphs or anywhere else mention either "a local copy of an authorized data" or "indicating an access failure" if the comparison **doesn't** indicated a match.

Examiner respectfully disagrees, according to claims limitations, it doesn't positively identify firmly limitation such as word "**if so**" or "**if**" the office interpreted as either "Yes" or "No" as in claim recited "determining a SIM card insertion and **if so** accessing SIM data and transmitting the SIM data to a base station for comparison with a local copy of an authorized user data file;

granting mobile unit access to the base station **if** the comparison is indicative of a match and otherwise indicating an access failure (Paragraphs [0024-0026], [0030], [0036], teach the mobile station 100 contain different SIM card for identification and only the specific identification number of the SIM card can access mobile network such as SIM card number 0953405980 can access mobile network 0953, that is, SIM card is inserted in the mobile station and grant access to base station base on the SIM card directory number and since Tsai did not mention the comparison or match but Tsai does teach the mobile station can access normal service of the mobile network associated with the base station (Paragraph [0030] lines 13-15 or paragraph [0010]). That is, for skill in the art and well know that the mobile station can't grant/service access when the mobile station does not have correct ID number which match with service provider/base station).

In response to applicant's argument that Hamalainen reference fails to teaches or suggest "performing data transmission **using both** dynamic adjusted time slots and at least one short range wireless medium".

Examiner respectfully disagrees, there is no such claim language said "data transmission **using both** dynamic adjusted time slots and at least one short range wireless medium".

The rejection is base on claim language such recited "If the mobile unit access is grant, determining a desired level of service; and dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service via the dynamically adjust number of time slots and at least one short-range wireless medium" (Abstract, C2, L25-50, C3, L59-60, C4, L1-10, C5, L1-50 teach the desired level of service and dynamically adjusting a number of time slots, Hamalainen teaches all limitation as discuss bur not mention on short range, however in Tsai reference indicated the mobile phone system can be different type network such as 802.11 in paragraph [0036] which read on at least one short-range wireless medium).

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Therefore, examiner interpreted in claim 12 limitations as broadest reasonable interpretation and it is proper.


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